

S.B. Civil Revision Petition No.1503/98
RSRTC & Anr. Vs. Munna Lal Sharma

Date of Order : 04/07/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Anuroop Singhi, for petitioner
None present for respondent

Instant revision petition has been filed against the order dt.20th February, 1998 passed by the Executing Court [Additional Civil Judge, Jr.Div.] directing the petitioner to reinstate the respondent-degree holder in terms of order dt.4th April, 1986.

The respondent-degree holder was working as Conductor and his services were terminated, which was challenged by him by filing regular civil suit and the learned trial Judge after adjudication of the dispute, set aside the order of termination with the direction for his reinstatement in service and the suit was, accordingly, decreed vide judgment & decree dt.20th July, 1983. Against the said judgment & decree, the petitioner preferred appeal, but during pendency, order was passed on 4th April, 1986 for his reinstatement in service and the concerned Regional Manager issued compliance order in pursuant thereto dt.28/4/86, but according to the petitioner, the degree holder has not reported for duty.

The respondent-decree holder filed the execution application and before the Executing Court where application was filed by the petitioner on 25th

November, 1994 pointing out that in compliance of decree in favour of the respondent, he was already ordered to be reinstated in service, but the learned Executing Court despite the said application placed on record, further ordered for his reinstatement and posted the matter for further orders on 17th April, 1998. Against which, the petitioner preferred instant revision petition.

Counsel for petitioner submits that once the judgment and decree of which execution was filed, was fully complied with, no further orders were required to be passed by the Executing Court directing reinstatement in the facts of the instant case in favour of decree holder.

No one has appeared on behalf of respondent to support the order passed by the Executing Court which is impugned in the present revision petition.

I have considered the submission and perused the material available on record.

As per the application filed before the Executing Court it was specifically mentioned about passing of order of reinstatement in favour of respondent-decree holder on 4th April, 1986 but he has not reported for duty, but it has been brought to my notice that he has now been allowed to join and he is presently working as per letter shown dt.9th April, 2003 in Srimadhopur Depot.

In view of the said statement made by the petitioner, the very order, which is passed by the learned Executing Court for reinstatement, has otherwise been complied with and since decree has

been satisfied by the petitioner, no further order is required to be passed on the execution application.

The revision petition with these directions stands disposed of.

[Ajay Rastogi], J.

FRB